

REMARKS

Applicants respectfully request consideration of the application in view of the amendments and remarks below. Claims 1-23 were pending in the present application. Claims 18-22 were withdrawn by the Examiner due to a restriction requirement. Claims 1-5, 7-17, 14-16 and 23 are rejected. Claims 1 and 8 have been amended. Claims 1-5, 7-12, 14-16 and 23 are currently pending in the present application.

Applicants have amended the definitions of R_c, R_d, R_e and R_f in Claims 1 and 8 to delete the portions of the substituents where R_c and R_d, and R_e and R_f can form rings. The amendments to Claims 1 and 8 are fully supported by the application as originally filed, specifically on page 20, lines 24-29, page 21, lines 4-14, page 21, lines 31-33 and page 22, lines 4-6, where subsets of the variables R^c, R^d, R^e and R^f are recited.

No new matter has been added to the above-captioned application by the above amendments.

CLAIM OBJECTIONS

The Examiner indicated that Claim 9 is objected to because Claim 9 appears to be absent or incomplete in the Claim set of September 27, 2007.

Applicants have added the complete original Claim 9 to the claim set of this RCE. Support for Claim 9 is found in the application as originally filed.

Applicants respectfully request that the objection to Claim 9 be removed.

CLAIM REJECTIONS - 35 USC § 112

LACK OF ENABLEMENT

The Examiner indicated that the rejection of Claims 1-5, 7-12, 14-16 and 23 under 35 USC 112 first paragraph, because the specification, while being enabling for benzodioxane compounds where R2, R4, R6 are pyridyl, does not reasonably provide enablement for the broader scope in Claim 1 and claims dependent thereon where R2, R4 or R6 are -NRcRd, substituents Ra where Ra is S(O)mNRcRd, -NRcRd, -O(CReRf)nNRcRd, -CO2(CReRf)nCONRcRd, C(O)NRcRd, -OC(O)NRcRd, and NRcC(O)NRcRd. The Examiner stated that scope, for example, of 4- to 7-membered heterocyclic rings having 1-3 heteroatoms is not adequately enabled.

Applicants have amended the definitions of Rc, Rd, Re and Rf in Claims 1 and 8 to delete the portions of the substituents where Rc and Rd, and Re and Rf can form rings. This appears to be the primary concern of the Examiner on rejecting the application. See e.g., page 3, second paragraph of the Official Action.

By modifying the definitions of Rc, Rd, Re and Rf to exclude ring formation in Claims 1 and 8 as the Applicants have done, the remaining allegations supporting the Examiner's position are rendered moot.

In view of the amendments and arguments, Applicants respectfully submit that the present claims are allowable and request reconsideration and withdrawal of the rejection to Claims 1-5, 7-12, 14-16 and 23.

Reconsideration of Claims 1-5, 7-12, 14-16 and 23 is respectfully requested pursuant the Request for Continued Examination under 37 C.F.R. § 1.114.

Applicants believe that all of the rejections have been overcome and therefore earnestly solicit a Notice of Allowance. Applicants respectfully request continued examination and issuance of a favorable Action.

Respectfully submitted,

Serial No.: 10/509,584
Case No.: 21085YP
Page No.: 25

By Baerbel R. Brown
Baerbel R. Brown, Reg. No. 47,449
Patent Agent for Applicants

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065
Tel.: (732)594-0672

April 8, 2008